

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

Stephen M. Charne  
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*Attorneys for Plaintiffs*

DR. FADI CHAABAN, DR. SABINO R.  
TORRE, DR. CONSTANTINOS A.  
COSTEAS, AND DR. ANTHONY J.  
CASELLA as Trustees of Diagnostic &  
Clinical Cardiology, P.A. Profit Sharing  
Plan,

Plaintiffs,

v.

DR. MARIO A. CRISCITO,

Defendant.

Civil Action No. 2:08-cv-01567 (GEB/MCA)

**NOTICE OF MOTION FOR SUMMARY  
JUDGMENT AND FOR OTHER RELIEF**

TO: Steven I. Kern, Esq.  
R. Bruce Crelin, Esq.  
Kern Augustine Conroy & Schoppmann, P.C.  
1120 Route 22 East  
Bridgewater, New Jersey 08807

COUNSEL:

PLEASE TAKE NOTICE that counsel for Plaintiffs shall appear before the Honorable Garrett E. Brown, Jr., U.S.D.J., United States District Court for the District of New Jersey, Clarkson S. Fisher Federal Building & U.S. Courthouse, 402 E. State Street, Trenton, New Jersey, on a date to be set by the Court, for an Order granting Summary Judgment in favor of Plaintiffs on all claims in Plaintiffs' Complaint, pursuant to Fed. R. Civ. P. 56, dismissing Defendant's Counterclaim with prejudice and for such other and further relief that the Court deems equitable and just.

PLEASE TAKE FURTHER NOTICE that in support of their motion, Plaintiffs shall rely upon the Plaintiffs' Brief in Support of Their Motion for Summary Judgment, the Declaration of Melissa E. Flax in Support of Plaintiffs' Motion for Summary Judgment, the Declaration of Anthony J. Casella in Support of Plaintiffs' Motion for Summary Judgment and Plaintiffs' Local Civil Rule 56.1 Statement of Material Facts Not in Dispute submitted herewith in support of this motion. A proposed form of Order is also submitted herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

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By: /s/ Stephen M. Charme  
Stephen M. Charme

- and -

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By: /s/ John M. Agnello  
John M. Agnello

*Attorneys for Plaintiff*

Dated: September 17, 2010

**CERTIFICATION OF SERVICE**

I hereby certify that true copies of Plaintiffs' Notice of Motion for Summary Judgment and For Other Relief, Plaintiffs' Brief in Support of Their Motion for Summary Judgment, the Declaration of Melissa E. Flax in Support of Plaintiffs' Motion for Summary Judgment, the Declaration of Anthony J. Casella in Support of Plaintiffs' Motion for Summary Judgment and Local Civil Rule 56.1 Statement of Material Facts Not in Dispute were served on counsel of record via e-mail and ECF filing on September 17, 2010 and via hand delivery on September 20, 2010.

Dated: September 17, 2010

By:

  
Laura Tempesta, Paralegal